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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,251	07/18/2003	David M. Misaras	TR000055RCEDIV	3264
32047	7590	06/29/2005	EXAMINER	
GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC 55 SOUTH COMMERICAL STREET MANCHESTER, NH 03101			LEE, GUIYOUNG	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,251	Applicant(s) MISARAS, DAVID M.	
	Examiner Guiyoung Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-44, 46-49 is/are rejected.
- 7) ☒ Claim(s) 8 and 45 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0804.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. This application filed under former 37 CFR 1.62 lacks the necessary reference to the prior application. A statement reading "This is a division of Application No. 10/622,251, filed 01/31/2001." should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of the parent nonprovisional application(s) should be included.

Claim Objections

2. Claims 9-10 are objected to because of the following informalities: Claims 9-10 recites the limitation "the coating". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
3. Claims 30-31 are objected to because of the following informalities: Claim 30 recites the limitation "the foam layer". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35-USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 9-11, 13, 16-19, 21, 23-34, 36-37, 39-44, and 47-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al. (US 5,516,143) cited by Applicant.

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Re claims 1-7, 9-11, 13, 21, 23-34, 36-37, 39-44, and 47-48: Lang discloses a pliable cover (10 in Fig. 1) having a front surface and rear face, the cover having a plurality of openings, a light pipe (12) is inserted in the opening, and a light source (18) such as a light emitting diode. Further, Lang discloses polyurethane elastomer having an elongation over 150%, a tensile strength below 5000 PSI, and a Shore Harness between 60-100A (col. 2, lines 61+). Lang discloses a transmissive or transparent coating (12) on the plurality of openings.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12, 20, 22, 46, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. as applied to claims 1 and 39 above, and further in view of Hagenow et al. (US 5,632,914) cited by Applicant and Gray (US 6,633,019 B1).

8. Re claims 12, 20, 22, 46, and 49: Lang discloses an automotive trim panel for an airbag having an airbag module cover (10). Lang discloses the airbag module cover is a light transmissive pliable cover layer. Lang does not disclose that the airbag cover is formed with a foam layer and a retainer layer. However, Hagenow disclose an airbag cover having a foam layer (28 in Fig. 3) and a retainer layer (30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Lang's airbag cover with Hagenow's airbag cover because Hagenow's airbag cover is a common type of airbag cover, and the

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selection of the common type airbag cover having a foam layer and a retainer layer would be within the level of ordinary skill in the art.

9. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang and Hagenow as applied to claim 12 above, and further in view of Kato (US 5,287,251) cited by Applicant. With regard to the limitation in claims 14-15, Lang does not disclose a switch and an actuator in a trim panel. However, Kato teaches a switch and an actuator (Fig. 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Kato's switch and actuator with Lang's trim panel because of the teachings of Lang that "some switch may be installed for actuation through the module cover (col. 1, lines 26-28).

10. Claims 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang as applied to claim 29 above, and further in view of Ziadi (US 5,647,658). Lang does not disclose the light pipe is a fiber optic. However, Ziadi discloses an automotive instrument panel having a light transmissive cover layer (142 in Fig. 1) having a front surface and a second surface, a fiber optic (28) having a first end and a second end, and a colored filter (142 in Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Lang's light pipe with Ziadi's fiber optic in order to transmit light from a remote light source to individual light fixtures.

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Allowable Subject Matter

11. Claims 8 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record, Lang and Hagenow, discloses an opening on the pliable cover layer, Lang, and Hagenow, does not specifically disclose that the opening is a circle shape of diameter 0.0010-0.060 inches.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abu-Isa et al. (US 5,775,779) discloses an elongation, a tensile strength, and a Shore Hardness of polyurethane in TABLE II (col. 6).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



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